

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

DONALD A. PIERCE,	:	
	:	
Petitioner	:	
	:	
VS.	:	
	:	
TIFT COUNTY SUPERIOR COURT,	:	NO. 7:10-cv-62 (HL)
	:	
Respondent	:	<u>ORDER</u>

Petitioner **DONALD A. PIERCE**, an inmate at the Tift County Jail, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Upon initial review of the petition, it appeared to the Court that petitioner had failed to exhaust his state court remedies. *See Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 489-92, (1973); *Thomas v. Crosby*, 371 F.3d 782, 812 (11th Cir. 2004) (“Among the most fundamental common law requirements of [the habeas statute] is that petitioners must first exhaust their state court remedies.”). The Court therefore entered an order on July 29, 2010, instructing petitioner to supplement his petition to provide additional information regarding whether he had exhausted his claims in the state courts. The Court specifically asked petitioner if he had appealed his probation revocation or filed a habeas corpus action in state court.

On August 23, 2010, the Court received a one page document (plus three exhibits) from petitioner. All of those items relate to the revocation of petitioner’s probation and imposition of his sentence. There is no indication that petitioner challenged these actions either by direct appeal or

a habeas filing in state court. Petitioner thus does not appear to have exhausted his available state court remedies.

Under the above circumstances, the petitioner cannot proceed in federal court with a habeas corpus petition at this time. He must first exhaust his remedies as noted above in the state courts. Once he has completed all avenues available to him in the state courts, he will then be permitted to return to federal court. Accordingly, the instant petition is hereby **DISMISSED WITHOUT PREJUDICE** to the right of the petitioner to refile once he has pursued an appeal or habeas action in state court.

SO ORDERED, this 26th day of August, 2010.

s/ *Hugh Lawson*
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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